

City Engineering Department

June 16, 1993

Honorable City Council:

Re: Petition No. 2753. Recreation Department and People in Faith United Housing Corporation (PIFU), Street to Easement, portion of Manistique between Jefferson and Kercheval (purpose: public playground expansion adjoining the "Albert Ives School" Site).

Petition No. 2753 of "Recreation Department" and "People in Faith United Housing Corporation (PIFU)" requests the conversion of a portion of Manistique Avenue, 60 feet wide, between E. Jefferson and Kercheval Avenues into an easement for public utilities.

The purpose of the public street closing is to expand a public playground at the site of the "Albert Ives School" (address: 1146 Philip Avenue). Through the joint efforts of the city and PIFU another residential community will be served by a public recreational facility (area: about 2.7 acres).

The original development plan, including the public street closing, was reviewed by the City Planning Commission (in a report submitted to City Council on May 17, 1989). However, that development plan has been modified to maintain public services and freedom of access for residents.

The request was approved by the

Community and Economic Development Department. The petition was referred to the City Engineering Department for investigation and report. This is our report:

The Department of Public Works has consented (in a report dated May 17, 1993) to the public street closing.

Satisfactory arrangements have been made with the Fire Department (hydrant relocation), Public Lighting Department (street light relocation), and City Engineering Department — Street Design Bureau (public street drainage adjustments).

All other involved city departments and privately-owned utility companies have reported no objections to the conversion of public rights-of-way into a utility easement. Provisions protecting utility installations are part of the resolution.

The adoption of the attached resolution is recommended.

Respectfully submitted,

CLYDE R. HOPKINS

Director

By Council Member Cleveland:

Resolved, All that part of Manistique Avenue, 60 feet wide, between E. Jefferson and Kercheval Avenues lying westerly of and abutting the west line of Lots 163 thru 172; also lying easterly of and abutting the east line of Lots 115 thru 124 as platted in the "Fox Creek Subdivision part of Private Claim 120," City of Detroit, Wayne County, Michigan as recorded in Liber 25, Page 73, Plats, Wayne County Records;

Be and the same is hereby vacated as a public street, and is hereby converted into a public easement of the full width of the street, which easement shall be subject to the following covenants and agreements, uses, reservations and regulations, which shall be observed by the owners of the lots abutting on said street and by their heirs, executors, administrators and assigns, forever to wit:

First, said owners hereby grant to and for the use of the public an easement or right-of-way over said vacated public street herein above described for the purposes of maintaining, installing, repairing, removing, or replacing public utilities such as water mains, sewers, gas lines or mains, telephone, electric light conduits or poles or things usually placed or installed in a public street in the City of Detroit, with the right to ingress and egress at any time to and over said easement for the purpose above set forth.

Second, said utility easement or right-of-way in and over said vacated street hereinabove described shall be forever accessible to the maintenance and inspection forces of the utility companies, or those specifically authorized by them, for the purpose of inspecting, installing, maintaining, repairing, removing, or replacing any sewer, conduit, water main, gas line or main, telephone or light pole or any utility facility placed or installed in the utility easement or right-of-way. The utility companies shall have the right to cross or use the driveways and yards of the adjoining properties for ingress and egress at any time to and over said utility easement with any necessary equipment to perform the above mentioned tasks, with the understanding that the utility companies shall use due care in such crossing or use, and that any property damaged by the utility companies, other than that specifically prohibited by this resolution, shall be restored to a satisfactory condition.

Third, said owners for their heirs and assigns further agree that no buildings or structures of any nature whatsoever including, but not limited to, concrete slabs or driveways, retaining or partition walls, (except necessary line fence; also the public park improvements, shown within approved development plans for the "Albert Ives School Playground Expansion Site" at 1146 Philip Avenue, retained on file in the Recreation Department) shall be built or placed upon said easement, nor change of surface grade made, without prior approval of the City Engineering Department.

Fourth, that if the owners of any lots abutting on said vacated street shall request the removal and/or relocation of any existing poles or other utilities in said easement, such owners shall pay all costs incidental to such removal and/or relocation, unless such charges are waived by the utility owners.

Fifth, that if any utility located in said property shall break or be damaged as a result of any action on the part of said owners or assigns (by way of illustration but not limitation) such as storage of excessive weights of materials or construction not in accordance with Section 3, mentioned above, then in such event said owners or assigns shall be liable for all costs incidental to the repair of such broken or damaged utility; and further

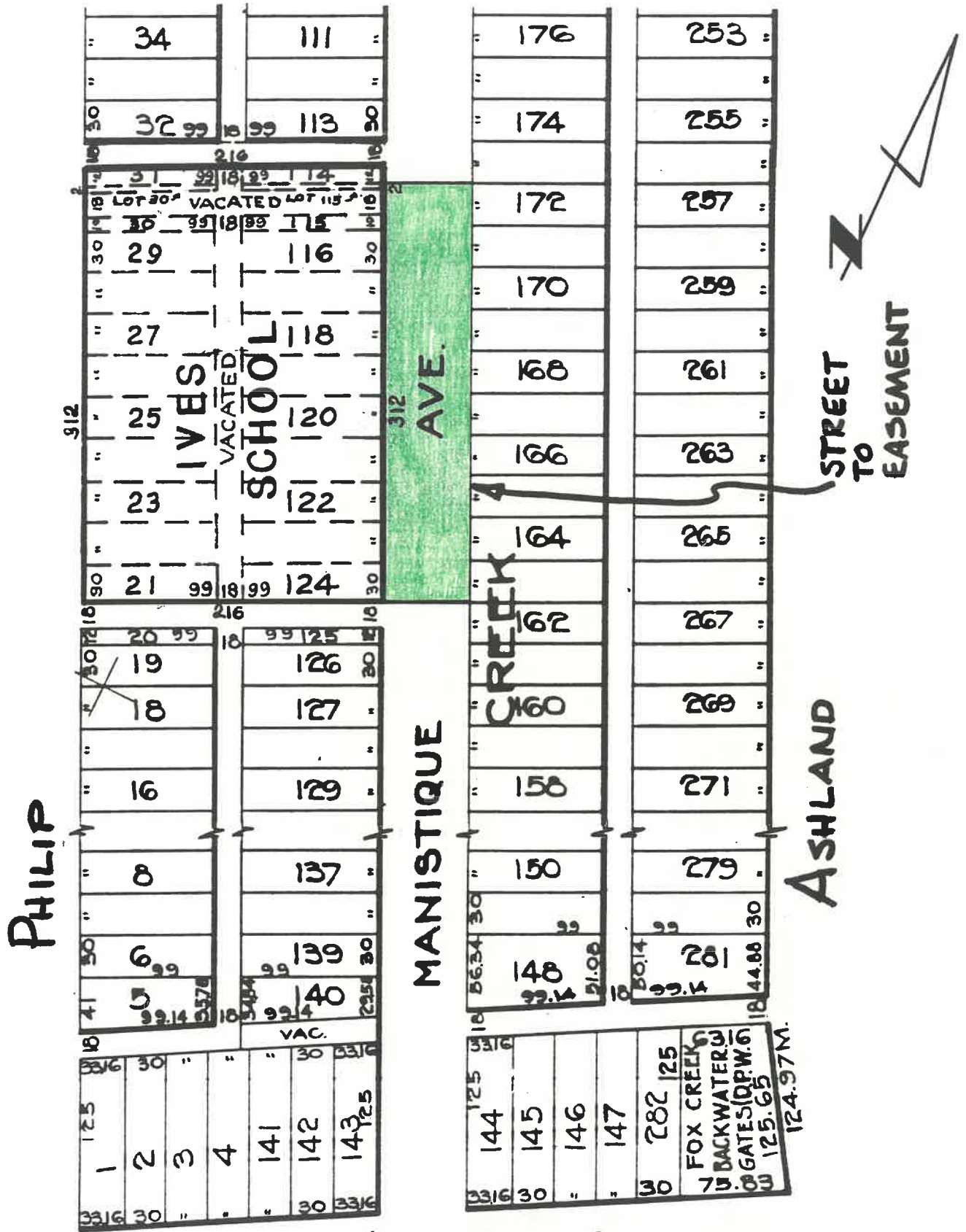
Provided, That the City Clerk shall within 30 days record a certified copy of this resolution with the Wayne County Register of Deeds.

Adopted as follows:

Yeas — Council Members Cleveland, Eberhard, Hill, Everett, Kelley, Ravitz, and President Pro-Tem Hill — 7.

Nays — None.

JUNE 23, 1993 J.C.C. Pgs. 1241-42



E. JEFFERSON